



**US Army Corps
of Engineers®**

SPECIAL PUBLIC NOTICE

Comment Period: June 1, 2001 through July 15, 2001

REQUEST FOR COMMENTS ON SUPPLEMENTAL ENVIRONMENTAL ASSESSMENTS PREPARED FOR 11 NATIONWIDE PERMITS AND THREE REGIONAL CONDITIONS

On October 8, 1999, in *Defenders of Wildlife v. Ballard*, No. CV-97-794-TUC-ACM a court order (as clarified on November 10, 1999) was entered by the United States District Court (Court) for the District of Arizona that enjoined the Corps of Engineers (Corps) from authorizing projects under nationwide permits ("NWP") 13, 14, or 26 within the range of the endangered cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) until the Court-ordered "regionally based, programmatic impact analysis" had been completed. On March 9, 2000, at the national level, the Corps announced that it was modifying six NWPs (NWPs 3, 7, 12, 14, 27, and 40) and issuing five new NWPs (NWPs 39, 41, 42, 43, and 44) to replace NWP 26, hereafter collectively referred to as "replacement permits." Subsequently a Court-approved Settlement Agreement was executed on September 22, 2000 by the Center for Biological Diversity and Defenders of Wildlife (Plaintiffs) and the Corps (Defendants).

In the Settlement Agreement the Corps agreed to solicit comments on the environmental documentation for the replacement permits and regional conditions for 45 days and delay for an additional 45 days making the replacement permits effective within the geographic area of the injunction. The Corps will give full and due consideration to all comments received and will modify the environmental assessments for the replacement permits and/or regional conditions as necessary or appropriate. Therefore, the Corps is requesting comments on the environmental assessments prepared for the 11 replacement permits and three Regional Conditions (2, 3, and 4). Regional Conditions 2, 3, and 4 are the only Regional Conditions within the Los Angeles District that would apply to projects within the geographic area of the injunction. Copies of the environmental assessments are available for your review at <http://www.spl.usace.army.mil/co/co5.html> for NWPs 3, 7, 12, 14, 27, 39, 40, 41, 42, 43, and 44 and for Regional Conditions 2, 3, and 4. If you do not have Internet access, hard copies of the environmental assessments will be sent to any party upon request to the U.S. Army Corps of Engineers. Comments or a request for the environmental assessments should be mailed to:

U.S. Army Corps of Engineers
Attention: Regulatory Branch
3636 North Central Avenue, Suite 760,
Phoenix, Arizona 85012-1936

Alternatively, comments can be sent electronically to rdummer@spl.usace.army.mil.

For additional information concerning legal matters of the Settlement Agreement contact Tiffany Welch, Esq. at (805) 585-2144. For all other matters contact Robert J. Dummer at (602) 640-5385x224. This public notice is issued by the Chief, Regulatory Branch.